

**NEW HAMPSHIRE BOARD OF NURSING  
MINUTES  
December 18, 2014**

Recorder: Kathryn Dickson, Executive Secretary

| TOPIC               | DISCUSSION | ACTION  |
|---------------------|------------|---|
| 1.0 Call to Meeting |            | Meeting called to order at 8:00 a.m. with R. Duhaime (RD), Chair, presiding.<br>Board members present: K. Baranowski (KB), N. Fortin (NF); K. Kidder (KK), B. Fersch (BF), T. Collins (TC), C. Smith (CS), J. Kuras (JK), A. Finn-Waddell (AF), H. Featherston (HF), R. Petrin (RP)<br>Board staff present: D. Nies (DN), A. Pavlidis (AP), S. Goodness (SG), K. Dickson (KD) |
| 1.1 Open Forum      | None       |   |
| 1.2 Addendum        |            |   |
| 1.2.1 Additions     |            | 4.4 Rule recommendation (DN)<br>7.1.1.1 N. Palardy, Add'l documentation<br>7.1.4.1 L. Gendron, amended list of exhibits<br>7.2.6 J. Young, LNA (SA)<br>7.3.5 D. Balser, Prehearing conference order<br>11.3.2 Request for Board advice:<br>LNA delegation<br>11.3.3 Request for Board advice:<br>LPN scope of practice: Task of inflating cuff of tracheostomy                |
| 1.2.2 Deletions     | None       |   |
| 1.3 Appearances     |            | 7.1.1 N. Palardy 9:30 a.m.<br>7.1.2 B. Dorr 10:00 a.m.<br>7.1.3 K. Silvia 10:30 a.m.<br>7.1.4 L. Gendron 11:30 a.m.<br>8.1.1 R. Gagne 1:00 p.m.<br>8.1.2 R. Hackett 1:15 p.m.<br>8.1.3 R. Perkins 1:30 p.m.<br>8.1.4 C. Judd 1:45 p.m.<br>10.2.1 Genesis Healthcare 2:00 p.m.   |



|       | <b>TOPIC</b>                                     | <b>DISCUSSION</b>                           | <b>ACTION</b>   |
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| 7.3.3 | C. Melanson, LNA<br>Pre-hearing Conference Order | Reviewed and discussed.                     | M/TC, S/NF to accept recommendations as proposed.<br>Unanimous.   |
| 7.3.4 | M. Francis, RN<br>Pre-hearing Conference Order   | Reviewed and discussed.                     | KB recused.<br>M/KK, S/HF to accept recommendations as proposed.<br>Unanimous.  |
| 7.3.5 | D. Balser, APRN<br>Pre-hearing Conference Order  | Reviewed and discussed.                     | M/KB, S/NF to accept recommendations of Board ChSettlement Agreement as proposed.<br>Unanimous.                                       |
| 7.4   | Dismissals (Proposed)                            |   |   |
| 7.4.1 | D. O., RN  | Previously reviewed.                        | M/JK, S/AF to accept recommendations as proposed.<br>Unanimous.   |
| 7.4.2 | J. L., RN  | Removed from Consent Agenda for discussion. | M/JK, S/AF to accept recommendations as proposed.<br>Unanimous.   |
| 7.4.3 | J. B., LNA (BF recused)                          | Previously reviewed.                        | BF recused.<br>M/NF, S/KB to accept recommendations as proposed.<br>Yea: NF, KB, HF, AF, KK, TC, CS<br>Nay: JK, RP<br>Motion carries. |
| 7.4.4 | H. C., RN  | Previously reviewed.                        | M/JK, S/AF to accept recommendations as proposed.<br>Unanimous.   |
| 7.4.5 | J. B., LNA (BF recused)                          | Removed from Consent Agenda for discussion. | M/JK, S/AF to accept recommendations as proposed.<br>Unanimous.   |
| 7.4.6 | S. S., RN (BF recused)                           | Previously reviewed.                        | BF recused.<br>M/HF, S/AF to accept recommendations as proposed.<br>Yea: HF, AF, KB, KK, JK, RP, TC, CS<br>Nay: NF                    |

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| 7.4.7 M. J., LNA                                   | Removed from Consent Agenda for discussion.                                      | Motion carries.<br><br>M/JK, S/AF to accept recommendations as proposed.<br>Unanimous. |
| 7.4.8 R. O., RN (BF recused)                       | Previously reviewed.   | BF recused.<br>M/NF, S/KK to accept recommendations as proposed.<br>Unanimous.         |
| 7.5 Recommendations (Proposed)<br>7.5.1 K. K., LNA | Previously reviewed.   | M/JK, S/AF to accept recommendations as proposed.<br>Unanimous.                        |
| 7.5.2 J. L., LNA                                   | Previously reviewed.   | M/JK, S/AF to accept recommendations as proposed.<br>Unanimous.                        |
| 7.5.3 B. W., RN                                    | Removed from Consent Agenda for discussion. No Report of Investigation attached. | M/JK, S/AF to accept recommendations as proposed.<br>Unanimous.                        |
| 7.5.4 M. F., RN                                    | Previously reviewed.   | No action.<br>Report of Investigation attached to Prehearing Conference Order, 7.3.4.  |
| 9.0 Licensure                                      |  |  |
| 9.3 Licensure (Non-appearance)                     |  |  |
| 9.3.1 A. C., LNA initial licensure                 | Previously reviewed.   | M/JK, S/AF to allow LNA licensure in NH.<br>Unanimous.                                 |
| 9.3.2 A. S., LPN Exam                              | Previously reviewed.   | M/JK, S/AF to allow A. S. to sit for NCLEX-PN in NH.<br>Unanimous.                     |
| 9.3.3 M. M., LNA initial licensure                 | Previously reviewed.   | M/JK, S/AF to allow LNA licensure in NH.<br>Unanimous.                                 |
| 10.0 Education                                     |  |  |
| 10.1 Consideration for Approval Status             |  |  |
| 10.1.1 Mountain View Community                     | Previously reviewed.   | M/JK, S/AF to grant <i>Continued Approval</i> to                                       |

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| LNA Program   |   | program and coordinator.<br>Unanimous.   |
| 10.1.2 American Red Cross<br>NH Region Medical Careers<br>Training<br>LNA Program   | Previously reviewed.  | M/JK, S/AF to grant <i>Continued Approval</i> to<br>program and coordinator.<br>Unanimous.   |
| 11.0 Practice Inquiries and Practice Committee<br>Reports<br>11.1 Liaison Committee (KK)<br><br>11.2 P & E Committee (NF) | <p>KK reported that Liaison Committee discussed APRN compact language at last meeting.</p> <p>NF reported on P &amp; E Committee meeting of November 17, 2014. Continued to review Position Statement on Administration of Anesthesia, Sedation and Analgesia.</p> <p>NF reviewed with Board the following question that was reviewed at meeting of October 20, 2014:</p> <ol style="list-style-type: none"> <li>1. Can LPN administer cosmetic injectables (dermal fillers, botox?) P &amp; E Committee proposes that following guidelines be used from Vermont Board of Nursing to provide guidance regarding the administration of cosmetic injectables:<br/>“Administration of absorbable fillers or Botox may be within scope of nursing practice of LPN if following guidelines are observed:               <ol style="list-style-type: none"> <li>a. LPN may administer cosmetic injectable medication with valid written order from provider (Physician, PA or APRN) who is authorized to practice in New Hampshire.</li> <li>b. LPNs may administer these injectables only when Physician, PA or APRN is directly on-site during procedure and when Physician, PA or APRN has assessed the client immediately prior to procedure.</li> <li>c. LPN may not independently select medication or dosage to be administered during procedure. Actual medication, dosage and site must be specified in provider order.</li> <li>d. In executing procedure, LPN communicates changes in patient status to authorized provider who is supervising procedure on-site</li> </ol> </li> </ol> | <p>M/TC, S/KK to accept P &amp; E recommendations that administration of absorbable fillers or Botox is within scope of nursing practice of LPN provided guidelines are observed.<br/>Unanimous.</p> |



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| <p>7.1.3 K. Silvia, LNA<br/>#040814-24</p>  | <p>Hearing concluded at 10:12 a.m.</p> <p>Hearing held for K. Silvia, LNA #040814-24, Docket #14-1125-0452-NA, pursuant to the Nurse Practice Act RSA 326-B and the administrative rules, Chapter 100 - 800, proceeded at 10:52 a.m. with R. Duhaime, Chair presiding.</p> <p>Board members present: C. Smith (CS), J. Kuras (JK), T. Collins (TC), B. Fersch (BF), A. Finn-Waddell (AF), K. Baranowski (KB), N. Fortin (NF), K. Kidder (KK), H. Featherston (HF), and R. Petrin (RP)</p> <p>Board staff present: S. Goodness (SG), K. Dickson (KD), Laurel O'Connor, Hearing Counsel for Board of Nursing</p> <p>Reading of Notice of Hearing waived.</p> <p>Respondent present to offer testimony.</p> <p>Hearing concluded at 11:10 a.m.</p>   | <p>M/HF, S/BF to affirm Hearing Counsel's Proposed Findings of Facts #1-#8; affirm Hearing Counsel's Proposed Rulings of Law #1; affirm Hearing Counsels Proposed Sanctions #4 - #7; denies Hearing Counsels Proposed Sanctions #2-#3; amend Hearing Counsel's Proposed Sanctions #1 to impose REPRIMAND and assess monetary penalty of \$250 to deter future misconduct and to defray costs associated with investigation and prosecution of case.</p> <p>Yea: HF, BF, CS, JK, TC, KB, NF, KK, RP</p> <p>Nay: AF</p> <p>Motion carries.</p> <p>(See Docket #14-1125-0452-NA)</p> |
| <p>7.1.4 L. Gendron, LPN<br/>#006103-22</p> | <p>Hearing held in absentia for L. Gendron, LPN #006103-22, Docket #13-1003-0388, pursuant to the Nurse Practice Act RSA 326-B and the administrative rules, Chapter 100 - 800, proceeded at 11:42 a.m. with R. Duhaime, Chair presiding.</p> <p>Board members present: C. Smith (CS), J. Kuras (JK), T. Collins (TC), B. Fersch (BF), A. Finn-Waddell (AF), K. Baranowski (KB), N. Fortin (NF), K. Kidder (KK), H. Featherston (HF), and R. Petrin (RP)</p> <p>Board staff present: S. Goodness (SG), K. Dickson (KD), Laurel O'Connor, Hearing Counsel for Board of Nursing</p> <p>Reading of Notice of Hearing waived.</p> <p>Witness present to offer testimony:</p> <p>Mark Myrdek, Investigator, Office of Attorney General</p> <p>Hearing concluded at 12:06 p.m.</p> <p>M/CS, S/JK to conduct non-public session for purpose of discussion of alleged licensee misconduct. Non-public session is authorized by RSA 91-A:3 II and Board's executive and deliberative privileges. Minutes of non-public session shall be sealed. Board voted as follows:</p> <p>Yea: CS, JK, KK, BF, NF, KB, TC, AF, RD, HF, RP</p> | <p>M/BF, S/AF to affirm Hearing Counsel's Proposed Findings of Facts #1-#15; affirm Hearing Counsel's Proposed Rulings of Law #1-#3; affirm Hearing Counsels Proposed Sanctions #2 - #7; amend Hearing Counsel's Proposed Sanctions #1 to REVOKE NH LPN license and assess monetary penalty of \$750 to deter future misconduct and to defray costs associated with investigation and prosecution of case.</p> <p>Unanimous.</p> <p>(See Docket #13-1003-0388)</p>  |

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|  | Non-public session began at 12:52 p.m. and concluded at 1:20 p.m.  |  |
| 7.0 Adjudicative (Investigator/Prosecutor)<br>7.2 Consent Decree/Settlement Agreement/<br>Voluntary Surrender/Preliminary<br>Agreement for Practice Restrictions<br>7.2.6 J. Young, LNA (SA)<br>#039329-24   | Reviewed and discussed proposed Settlement Agreement.  | M/NF, S/CS to accept Settlement Agreement as proposed.<br>Unanimous.   |
| 9.0 Licensure<br>9.2 Licensure issues<br>9.2.1 Matthew Cline   | Reviewed and discussed documentation submitted for RN/CRNA licensure in NH.  | M/NF, S/TC to deny licensure in NH.<br>Unanimous.  |
| 8.0 Adjudicative (Executive Director)<br>8.1 Requests for Reinstatement, Removal of<br>Probation, Restrictions, Modifications or<br>Conditions<br>8.1.1 R. (Gagne) Pochopin, LPN<br>#009045-22<br><br>8.1.2 R. Hackett, RN<br>#052153-21<br><br>8.1.3 R. Perkins, LPN<br>#013747-22<br><br>8.1.4 C. Judd, RN<br>#042450-21<br><br>8.1.5 K. DeCristoforo, RN<br>#059031-21<br><br>8.1.6 M. Fair, RN<br>#041507-21 | R. Pochopin offered oral testimony in support of petition for removal of reprimand from LPN license.<br><br>R Hackett offered oral testimony in support of petition for removal of probation and all conditions and restrictions from RN license.<br><br>R. Perkins offered oral testimony in support of petition for removal of probation from LPN license.<br><br>C. Judd offered oral testimony in support of petition for removal of probation from RN license.<br><br>K. DeCristoforo appeared before Board for clarification of stipulations placed on RN license pursuant to May 22, 2012 Board Order.<br><br>M. Fair offered oral testimony in support of petition for removal of probation from RN license. | M/NF, S/KB to grant request to remove Reprimand from LPN license.<br>Unanimous.<br><br>M/NF, S/HF to grant request to remove probation and all conditions and restrictions from RN license.<br>Yea: NF, HF, CS, JK, KK, TC, KB, AF, RP<br>Nay: BF<br>Motion carries.<br><br>M/KB, S/NF to grant request to remove probation from LPN license.<br>Unanimous.<br><br>M/TC, S/KK to grant request to remove probation from RN license.<br>Unanimous.<br><br>Board clarified stipulations.<br><br>M/KB, S/TC to grant request to remove probation from RN license. |



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| 4.0 Report of Executive Director/Staff<br>4.3 NH Hospital<br><br>4.4 Rule recommendation (DN)   | Diane Allen from NH State Hospital explained operations of NH State Hospital in light of recent complaints received at Board of Nursing.<br><br>Reviewed and discussed recommendation against inclusion of Chapter 900 into NPA.   | Unanimous.<br><br>M/NF, S/AF to approve recommendation.<br>Unanimous.  |
| 10.0 Education<br><br>10.2 New Programs<br>10.2.1 Genesis Healthcare LNA Program<br><br>10.3 Educational Issues<br>10.3.1 Quarterly Reports:<br>Plymouth State University<br>Keene State College<br>Lakes Region Community College<br><br>11.0 Practice Inquiries and Practice Committee Reports<br>11.3 Request for Board Advice re:<br>11.3.1 Applying ice and heating pads<br><br>11.3.2 LNA delegation<br><br>11.3.3 LPN scope of practice: Task of | AP updated Board on guidelines of simulation used in other states.<br><br>Reviewed and discussed with Sean Stevenson and Linda Behan application for approval of nursing assistant program.<br><br>Reviewed and discussed quarterly reports received from Plymouth State University, Keene State College, and Lakes Region Community College.<br><br>Reviewed and discussed question of whether or not RN needs physicians order in LTC setting to apply heat to resident. Can the task be delegated to LNA?<br><br>Clarification of LNA delegation question: Can LNA do hand-over-hand assist with medication administration in home.<br><br>Reviewed and discussed question of whether or not task of inflating and deflating cuff of tracheostomy for | M/NF, S/KB to agree to assist AP with guidelines and approve educator advisory group to help develop guidelines.<br>Unanimous.<br><br>M/NF, S/TC to grant <i>Initial Approval</i> of LNA program and coordinator.<br>Unanimous.<br><br>M/TC, S/JK to accept and approve PSU quarterly report.<br>Unanimous.<br><br>M/TC, S/JK to request attendance of LRCC and KSC at February 19, 2015 meeting to discuss corrective plans.<br>Unanimous.<br><br>M/AF, S/NF to affirm that RN does not need physician's order to apply heat to resident and it may be delegated to LNA.<br>Unanimous.<br><br>M/NF, S/CS to affirm that it not within LNA scope of practice to do hand-over-hand assist with medication administration.<br>Unanimous.<br><br>M/AF, S/BF to affirm that it is within LPN scope of practice to inflate or deflate cuff of |

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| <p>inflating cuff of tracheostomy</p> <p>13.0 Legislation</p> | <p>individual who requires use of tracheostomy at night only for artificial ventilation.</p> <p>Discussed proposed LNA legislation regarding LNAs assisting patients with medications in home-care setting.</p> | <p>tracheostomy provided competencies are met. Unanimous.</p>   |
| <p>17.0 Adjournment</p>                                       | <p>Next regular meeting:<br/>January 15, 2015<br/>8:00 a.m.<br/>NH Board of Nursing<br/>Conference Room B119<br/>121 South St<br/>Concord, NH 03301</p>   | <p>Meeting adjourned at 4:12 p.m.</p> <p>Respectfully submitted,</p> <p>Denise Nies, MSN, RN, BC<br/>Executive Director</p> |